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EXAMINER

NANO, SARGON N

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number 09/920,591
Filing Date: July 31, 2001
Appellant(s): GROSS, CURTIS T.

Curtis T. Gross
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 21 Dec. 2005 appealing from the Office action mailed 20 April 2005.

(1) Real Party In Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

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The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

- DeNicola et al. U.S. Patent No. 6,288,753
- Ludwig et al. U.S. Patent No. 6,237,025

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 5, 10,11 and 13 – 24 are rejected under 35 U.S.C. 102(e) as being DeNicola et al. U.S. Patent No. 6,288,753 (referred to hereafter as DeNicola).

As to claim 1, DeNicola teaches an adapter for providing network access to a shared image projection device, comprising:

a network interface for connecting to a network and receiving network data from a network device over the network (see col.10 line 65 – line col.11 line 4 and fig. 4 DeNicola discloses network website interface);

a client, operatively associated with the network interface, said client receiving data from the network interface and producing a data signal (see col. 11 lines 34 – 41 DeNicola discloses students interaction with the Web site); and

a video display driver, operatively associated with the client, for providing video data to the shared image projection device, said video display driver receiving the data signal produced by the client and producing said video data (see col.8 lines 30 - 55, and col. 9 lines 3 – 15 DeNicola discloses video data is distributed to remote learning location and video data sent from learning locations back to the classroom via videoconferencing).

As to claim 2, DeNicola teaches The adapter of claim 1, further comprising at least one computer readable storage media storing system configuration data, wherein said system configuration data allows the adapter to be identified on and accessed over the network (see col5 line 62 – col6 line 5, DeNicola discloses the storing of course material in a database where it can be accessed by remotely located end user).

As to claim 3, DeNicola teaches the adapter of claim 2, further comprising display apparatus, said display apparatus displaying at least a portion of said system configuration data (see col. 10 lines 23 – 35 and fig.2, DeNicola discloses the configuring of a data system to receive video /audio signal).

As to claim 4, DeNicola teaches the adapter of claim 2, wherein said at least one computer readable storage media comprises a nonvolatile memory (see col.17 lines 10 – 19 DeNicola discloses actions are recorded on a video file on a PC hard drive).

As to claim 5, DeNicola teaches the adapter of claim 1, further comprising a server, said server allowing said adapter to host a meeting for which the shared image projection device is being used (see col.9 lines 3 – 16, DeNicola discloses the viewing of the teacher by students of all learning locations simultaneously).

As to claim 10, DeNicola teaches the adapter of claim 1, wherein the adapter comprises the shared image projection device (see col.9 lines 3 – 16, DeNicola discloses the viewing of the teacher by students of all learning locations simultaneously).

As to claim 11, DeNicola teaches a method for providing network access to a shared image projection device, comprising:

connecting the shared image projection device to a network via a network adapter (see col.10 line 65 – line col.11 line 4 and fig. 4 DeNicola discloses network website interface);

receiving network data at said network adapter, said network data being received from another device which is connected to the network (see col. 11 lines 34 – 41 DeNicola discloses students interaction with the Web site); and

outputting video data from said network adapter to the shared image projection device, in response to the network data, whereby the network data is then displayed via the shared image projection device (see col. 8 lines 30 - 55, and col. 9 lines 3 – 15 DeNicola discloses video data is distributed to remote learning location and video data sent from learning locations back to the classroom via videoconferencing).

As to claim 13, DeNicola teaches the method of claim 11, further comprising setting system configuration data for said network adapter, said system configuration data allowing said network adapter to be identified on and accessed over the network (see col5 line 62 – col6 line 5, DeNicola discloses the storing of course material in a database where it can be accessed by remotely located end user).

As to claim 14, DeNicola teaches the method of claim 13, further comprising displaying at least a portion of said system configuration data (see col. 10 lines 23 – 35 and fig.2, DeNicola discloses the configuring of a data system to receive video /audio signal).

As to claim 15, DeNicola teaches the method of claim 13, further comprising: providing said network adapter with at least one computer readable storage media; and storing said system configuration data within said at least one computer readable storage media (see col.17 lines 10 – 19).

As to claim 16, DeNicola teaches the method of claim 11, further comprising registering said network adapter with a directory server (see col.13 lines 8 – 16, DeNicola teaches the authorized assignee representative creates the examination).

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As to claim 17, DeNicola teaches a system, comprising:

a shared image projection device (see col.9 lines 3 – 16, DeNicola discloses the viewing of the teacher by students of all learning locations simultaneously);

an adapter for providing network access to the shared image projection device, said adapter comprising:

a network interface for connecting to a network and receiving network data from a network device over the network (see col.10 line 65 – line col.11 line 4 and fig. 4 DeNicola discloses network website interface);

a client, operatively associated with the network interface, said client receiving data from the network interface and producing a data signal (see col. 11 lines 34 – 41 DeNicola discloses students interaction with the Web site);

and a video display driver, operatively associated with the client, for outputting video data to the shared image projection device, said video display driver receiving the data signal produced by the client and producing said video data (see col. 8 lines 30 - 55, and col. 9 lines 3 – 15 DeNicola discloses video data is distributed to remote learning location and video data sent from learning locations back to the classroom via videoconferencing).

As to claim 18, DeNicola teaches the system of claim 17, further comprising:

a host computer for hosting a meeting for which the shared image projection device is being used (see fig. 2 DeNicola discloses a host server that store shared images); and

a configuration program operatively associated with said host computer and said adapter, said configuration program accessing said adapter to set system configuration data, said system configuration data allowing said adapter to be identified on and accessed over the network (see col5 line 62 – col6 line 5, DeNicola discloses the storing of course material in a database where it can be accessed by remotely located end user).

As to claim 19, DeNicola teaches the system of claim 18, wherein said host computer comprises at least one computer readable storage media; and wherein said configuration program comprises computer readable program code stored within the at least one computer readable storage media of said host computer (see col.17 lines 10 – 19 DeNicola discloses actions are recorded on a video file on a PC hard drive).

As to claim 20, DeNicola teaches the system of claim 18, wherein said adapter further comprises at least one computer readable storage media; and wherein said system configuration data is stored within the at least one computer readable storage media of said adapter (see col.17 lines 10 – 19 DeNicola discloses actions are recorded on a video file on a PC hard drive).

As to claim 21, DeNicola teaches the system of claim 18, wherein said adapter further comprises a nonvolatile memory; and wherein said system configuration data is

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stored within the nonvolatile memory of said adapter (see col.17 lines 10 – 19 DeNicola discloses actions are recorded on a video file on a hard drive).

As to claim 22, DeNicola teaches the system of claim 17, wherein said shared image projection device is a data projector (see col.9 lines 3 – 9 DeNicola discloses an output is a display screen).

As to claim 23, DeNicola teaches the system of claim 17, wherein said adapter is housed within said shared image projection device (see col.9 lines 3 – 9 DeNicola discloses an output is a display screen).

As to claim 24, DeNicola teaches a method for viewing information during a meeting, comprising: coupling a data projector to a network of meeting participant computers via a network adapter; and configuring the network adapter and meeting participant computers as peers in a virtual meeting (see col. 9 lines 9 - 16 DeNicola discloses the interactive video/audio communication which allows student to interact with the teacher).

As to claims 6, 7 and 12 DeNicola teaches an adapter and a method for providing network access to a shared image projection device, comprising:

a network interface for connecting to a network and receiving network data from a network device over the network (see col.10 line 65 – line col.11 line 4 and fig. 4 DeNicola discloses network website interface);

a client, operatively associated with the network interface, said client receiving data from the network interface and producing a data signal (see col. 11 lines 34 – 41 DeNicola discloses students interaction with the Web site); and

a video display driver, operatively associated with the client, for providing video data to the shared image projection device, said video display driver receiving the data signal produced by the client and producing said video data (see col. 8 lines 30 - 55, and col. 9 lines 3 – 15 DeNicola discloses video data is distributed to remote learning location and video data sent from learning locations back to the classroom via videoconferencing).

DeNicola does not explicitly teach the adapter and method wherein the client comprises a T.120 client and the network data comprises a T.120 data packet within an 802.3 wrapper, wherein said network interface removes the 802.3 wrapper from the T.120 data packet, and wherein said client receives the T.120 data packet without the 802.3 wrapper.

However, "Official Notice " is taken that the concept and the advantages of using T.120 client and T.120 data packet within an 802.3 wrapper is old and well known in the art. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify DeNicola by specifying T.120 data packet within an 802.3. One would be motivated to do so to comply with the International Telecommunications Union (ITU) specifications for multipoint data communications services and the to follow the standards set by IEEE working groups for fixed and wireless LAN and Man Protocol.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over, DeNicola further in view of Ludwig et al U.S. Patent No. 6,237,025 (referred to hereafter as Ludwig).

As per claim 8, DeNicola does not explicitly teach the limitation of hang-up switch, said hang-up switch terminating a connection between a network device and said adapter when said hang-up switch is activated. However Ludwig teaches the hang up switch (see Ludwig fig.8B).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify DeNicola with hang up switch because doing so would send a hang up notification which prompts all other participants that the participant has exited.

As per claim 9, DeNicola does not explicitly teach the limitation of status indicator, said status indicator indicating the status of said adapter. However Ludwig teaches the status of the adapter, (see Ludwig, col.36 lines 9 – 35).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify DeNicola with status indicator because doing so would allow to initiate and control various collaborative sessions.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

As per Appellant's arguments filed on 12 December 2005, the appellant argues that DeNicola does not teach

a client, operatively associated with the network interface, said client receiving data from the network interface and producing a data signal" and

a video display driver, operatively associated with the client, for outputting video data to the shared image production device, said video display driver receiving the data signal produced by the client and producing said video data,

moreover, the appellant argues that a human being is cited for teaching an element in an apparatus (see Brief Page 10 line 7 – page 11 line 6, and page 13 lines 3 - 21 Argument A).

In reply to A) DeNicola teaches a system and method for internet based videoconferencing between multiple students using multiple student workstations collaborating over a network (see abstract). Students are capable of initiating a video conference with an instructor using a "student workstation" that allows the student to

connect to the network using a "browser" installed on the student workstation where the browser receives video data captured by the video camera and received through the network and displayed to the user using the browser (figs. 2 and 3). Examiner did not equate human being for the teaching of an element in an apparatus as appellant argues but rather a student workstation that is used by the student to establish communication between the student and the network. The student workstation is interpreted to be the claimed client that is associated with user 's browser "network interface" which receives video data from the network and displays video stream to the student produce a signal'.

The appellant argues DeNicola does not teach ' a video driver, operatively associated with the client, for providing video data to the shared image projection" (see Brief page 11 lines 11 – 17, Argument B).

In reply to B) DeNicola teaches the video data is distributed to remote learning locations where the image of the instructor is shared and projected on multiple end users' (students) screens (see col. 9 lines 3 – 16). The student machines receive the video data and process the video data to be displayed at the student machine as shown in fig.3. Video driver is inherently present in DeNicola's student station since the station is capable of sending and receiving and displaying video data.

The appellant argues DeNicola does not teach an adapter comprises computer readable storage media storing configuration data (see Brief page 13 line 27 – 29 argument C)

In reply to C) DeNicola teaches a student uses a workstation (adapter) to log on to the system where the student workstation configuration is stored .The system checks if the student workstation is authorized to access the services that are provided and if the system identifies the student workstation as an authorized workstation, then he student is capable of accessing multiple services such as test scores, course registration and course schedules etc (see fig. 10 A).

The appellant argues that there is no motivation to combine the teachings of DeNicola and Ludwig (see Brief page 15 lines 10 – 25 argument D).

In reply to D) the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of the ordinary skill in the art. See *IN re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2D 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case DeNicola teaches a system and method for live interactive distance learning between an instructor in a class room and multiple students who are located in a remote locations where the instructor can see all the students or participants in that class utilizing multiple screens for interaction. Ludwig also teaches a multimedia collaboration system using desk top teleconferencing including real time audio/or video teleconferencing as well as data conferencing which enables the participants of the teleconferencing to use many features such as hang up, hold, record etc. (see Ludwig

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fig 8A). It would have been obvious to one of the ordinary skill in the art to include the hang up feature as suggested by Ludwig in DeNicola's invention because doing so Would accommodate improvement to a teleconference having limited capabilities such as hang up button as suggested by Ludwig (see Ludwig col.36 lines 8 – 33 and col. 39 lines 4 – 18).

The appellant argue that DeNicola and Ludwig do not teach the appellant's invention as recited in claim 1, then dependent claims 8 and 9 are also not taught by DeNicola and Ludwig (see Brief page 15 lines 20 – 25 argument E).

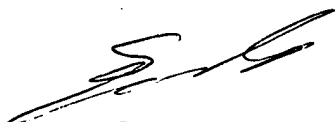
In response to E) DeNicola and Ludwig do teach claim 1 as outlined above and therefore claims 8 and 9 are subsequently taught by DeNicola and Ludwig.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

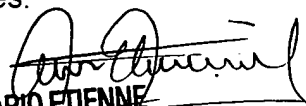
Respectfully submitted



Sargon Nano

Mar. 9, 2006

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